

## INDIANA LEGISLATURE.

[Omissions and curtailments of this report for want of space in these columns will appear in an appendix to Volume XXIII of the *Legislative Reports*.]

## IN SENATE.

WEDNESDAY, March 18, 1885.

## NEW PROPOSITIONS.

Mr. LINDLEY introduced a bill [S. 363] to amend Section 5.805 of the Revised Statutes of 1881—County Commissioners may make allowances to agricultural societies—which was read the first time and referred to the Committee on Agriculture.

Mr. MACY introduced a bill [S. 364] to fix court terms in the Twenty-fifth, Twenty-eighth, and Forty-sixth Judicial Circuits. On his motion the constitutional rule was dispensed with, by a two-thirds vote and may vote, the bill was passed to the final vote and passed by yeas 37, nays 0.

Messrs. Macy, Hilliges and Smith, of Delaware, explaining the necessity for the immediate passage of the bill.

## CLAIM OF M. M. CAMPBELL.

On motion by Mr. WEIR the bill [S. 324] to pay Matthew M. Campbell for extra and other services as teacher in the Indiana University—\$1,700—with committee recommendation that it lie on the table.

Mr. THOMPSON moved that the bill be recommitted.

Mr. WEIR inquired if there was any additional evidence—if not, it would not be necessary to recommit.

Mr. OVERSTREET: I have been watching for this bill. I hope it will be recommitted. I don't undertake to say there is a legal right to recover; but if there ever was an equitable claim this is one. I was in the institution at the time of the service referred to, and there never was a more faithful Professor. I am informed that he is now in quite destitute circumstances, that he was not so, it is probable he would not ask this pittance. At the last session this bill was put in the specific bill, and I think, passed the Senate. We frequently hear of claims being allowed here on the ground of equity; this certainly is one based on equity. If this claim was ever before the Committee on Claims I have no recollection of it.

Mr. WEIR: I move to amend by referring this claim to a select committee of three, and that my name be left off the committee. Mr. MCINTOSH: While investigating this claim two years ago Senator Johnson, who was chairman of the committee, said there was no claim and no pretension there ever was a debt on the part of the State. The Senator is mistaken in his statement. It was not a claim, it was a debt. It also came out two years ago that the claim does not belong to the old Professor, but it has been farmed out.

Mr. FOWLER: I am in favor of the special committee. No harm can come of it.

Mr. FAULKNER: I have the understanding the Professor was paid every dollar, and if he gets anything more it will be a gift or donation. I heard this claim dismissed four years ago and two years ago this Legislature has spent two dollars for one on it.

Mr. SMITH, of Delaware: I was on a committee four years ago which examined this claim, and I went to Bloomington and examined into it and found there was no claim except an equitable one; we found there were here in the city lawyers who would have received the money, and in consequence of that we did not report it back. I am in favor of the motion for a special committee.

The motion was agreed to.

The Lieutenant Governor made said committee to consist of Messrs. Overstreet, Smith of Delaware, and McIntosh.

ADJOURNMENT SINE DIE.

Mr. YOCHE moved to take up his resolution for adjournment sine die on the 25th of March, which was pending at the time of the adjournment last evening.

Mr. SMITH, of Delaware: I moved an ineffectual motion—yeas 14; nays 26—to lay the motion on the table.

Mr. BENZ: I am tired of this buncombe doings. I am always in my place. If the lawyers would attend to the business we could have adjourned long ago. I vote "aye."

Mr. SMITH, of Jennings: I think the Senator voted against a resolution to adjourn on the 25th of March. Those who condemned my course at that time are now pursuing the plan I laid down. I am still in favor of an early adjournment. I vote "no."

Mr. SMITH, of Jay: I voted for the resolution last night when there was no quorum. [Laughter.] I think the sense of the Senate was fully taken. I think it unprofitable to be calling such matters up, hence I vote "aye."

The result was announced as above.

So the motion was not laid on the table. The motion was agreed to.

The question recurring on the resolution as amended, it was adopted by yeas 41, nays 0.

Mr. BENZ, explaining his vote, said: The only thing that I am sorry about is that the resolution don't say to adjourn. Unless we do better than we have done since the extra session commenced we have better go home to-morrow. I vote "aye."

Mr. SMITH, of Jennings: We have passed a bill like this that came from the House. Mr. MACY: The Senator is mistaken. The House bill had not yet passed the Senate. Upon examination I find the amendments reported by the special committee, which were adopted, are not engrossed in the bill.

The Lieutenant Governor: There ought to be an explanation from someone why amendments which have been adopted are not engrossed in the bill. Surely the amendments ought to be found among the papers.

On motion the bill was recommitted to the special committee which made the last report thereon.

SUPREME COURT REPORTER.

The bill [S. 94] concerning the Reporter of the Supreme Court, was read the third time. Mr. Sellers said this is not any thing like the bill he introduced. He opposed it as it now stands. If this bill becomes a law the State would have to pay \$350 for 500 copies of these reports, while they would be sold to others for \$2.75.

Mr. FOWLER: This bill, by implication, repeals the other section of the code which requires the State to pay \$3.50 a copy. This bill is the best that could be done. While it does not suit me, I hope it will be passed.

Mr. SELLERS insisted that the bill affects but one section, while the others stand without change.

The motion to recommit was agreed to.

FARS ON FERRIS.

Mr. SMITH, of Jennings, at the earnest request of citizens of Clark County, moved to take up his motion, entered several days ago, to reconsider the vote by which the bill [S. 203] was passed.

The motion was agreed to.

Mr. SMITH, of Jennings: This is a motion which, originally, I had no interest in.

The PRESIDING OFFICER stated, the bill was gone to the House.

Mr. SMITH, of Jennings: I move that the House of Representatives be requested to return the bill to the Senate.

The motion was agreed to upon a division.

STATE BOILER INSPECTOR.

Mr. Bailey's bill [S. 109] to provide for the appointment of a State Boiler Inspector was read the third time.

AFTERNOON SESSION.

RECORDING OF LIENS.

The bill S. 109 failed to pass by yeas 4 nays 35.

On motion by Mr. Hilliges the bill S. 170, concerning liens and mortgages, was taken up.

Mr. ADKISON: I represent a loan company that has perhaps loaned as much money in Indiana as any other company. We have never charged any more interest on account of this law. We take an affidavit that they have not executed or permitted to be executed any deed or incumbrance in the past fifty days. The people have got used to the present system. It seems to me such a law as this bill proposes would be to open the door to fraud.

Mr. YOCHE: There are several reasons that satisfy me this is a good bill. No possible fraud can be perpetrated under it that cannot be guarded against. We have been advancing in the direction of this kind of a law for many years. There is not a State I know of but what has not adopted a rule that priority shall date from the time of putting on record. This bill is in the direction of preventing fraud, and the bill ought to pass.

Mr. OVERSTREET: If this bill is passed it seems to me there would be a greater temptation to commit fraud. I would be willing to bring the time for recording mortgages down to ten days—the time for chattel mortgages. I fear this bill would lead to more frauds than we now have; yet the principle looks to me not far from wrong.

Mr. FOWLER: In the interest of honesty and fair dealing, I hope this bill will pass. It is a law that the one that gets into the Recorder's office shall have priority over all others, seems a wrong principle. I move to recommit this bill to the Judiciary Committee, with instructions to amend by making the time ten days.

Mr. McCULLOUGH: I hope the bill will pass. The practical effect of it would be very different from what some Senators think. A man loaning money and taking a mortgage may frequently require an affidavit, but as a general thing the word of the borrower is taken in ninety-nine cases out of 100. If the law is changed as proposed by this bill it may be known in a very few days whether there was a mortgage executed before his and put upon record. The opportunities are greater for fraud under the present law than they would be under this bill.

The very fact that a man knows he has forty-five days time in which to put a mortgage on record, is a reason for carelessness. The law ought to educate parties in the necessity of putting such instruments on record. The more popular a State or county or city becomes, the more must records be relied upon. I believe the time has come in this State when the law ought to be changed.

Mr. WILLARD demanded the previous question.

The Senate seconded the demand, and under its operation—

The motion to recommit was rejected.

Mr. FOWLER made an ineffectual motion—yeas 30; nays 25—to order the bill engrossed.

Mr. FOWLER moved to indefinitely postpone the bill.

Mr. FOWLER: I know the great real estate interests of New York could not be carried out under our law. I know large amounts of capital have been kept out of this State for the reason that titles are not to good. This bill can not work harm to a single man on earth. It is the man who has his mortgage recorded early that is protected, and not the man who sleeps upon his rights.

Mr. FOWLER: The great real estate interest of Indiana has been very well carried on for many years, and I have never heard of any frauds. It may be there have been—

Mr. HILLIGASS: The Senator who has just taken the stand has little understanding of the provisions of this bill. The present statute gives much more opportunity for fraud. You make these transactions rest upon the day they are made, and there are transactions brought to daylight.

This bill is legislation in the interest of the people; and the statement that it is in the interest of insurance or loan companies is an appeal to prejudice that is not warranted in this case. This bill ought to be passed, and in doing so we would be keeping abreast of the great States of this Union.

There is merit in this bill, and Senators should give it a fair chance. I hope it will be recommitted and put on the same plane as chattel mortgages.

Mr. SELLERS: The theory of law is to protect the innocent. At first I did not look so favorably upon this bill, but now I am in favor of the bill and hope it will not be indefinitely postponed.

Mr. FOWLER: Under this bill a collision for fraud could be made between the mortgage and the mortgagee. The Senator from Huntington voted against my motion to recommit. I withdrew my motion to indefinitely postpone.

Mr. WEIR: I move to recommit to a special committee of three with instructions to provide the Supreme Court Clerk shall keep record book of all fees received by him, which shall be open for inspection to the public, etc.—

Mr. WEIR: This is one of the most impracticable measures yet introduced in this Legislature. According to the preamble of this bill in taking a receipt of his fees, the clerk would have to make the receipt the entire fee book, and that receipt would have to be recorded in another book. While a reasonable law on this subject would be a proper one, it is not this bill.

It seems to me this bill ought not to pass. Then if he shall refuse to allow any person to examine that book, whether he is using it or not, he is liable to a fine.

Mr. MACY: The statement has been made on the authority of the Supreme Court Clerk on this floor that he now keeps just such a book as this bill requires, the bill only requiring it shall be kept open to the public. The statement that the bill will require such a vast amount of extra work is also without foundation in fact.

Mr. SELLERS: I think this bill will work injustice.

Mr. MCINTOSH: This is the same bill that was before the Senate. It has been a committee since three or four times before. The provision of imprisonment penalty is stricken out. The main point in the bill is that the Clerk of the Supreme Court shall turn over to his successor the money in the House that does not belong to him, so that parties to whom the money belongs may not be compelled to

run all over the State to hunt the ex-officer and ask him for his money.

The bill passed by yeas 28, nays 12.

Mr. BROWN, explaining: For the reason this is a bill very like a law now governing every County Clerk in the State, I vote "aye."

WOMAN'S RIGHTS.

Mr. Foulke's bill [S. 122] to remove disabilities of married women was read the third time.

Mr. WEIR: There are objections to this bill. A fair construction would make the wife liable for guarantees in a deed when she joins her husband if he receive any part of the purchase money, however small the receipt may be on her part, and her property would be made liable to the full extent of the covenants for warranty.

Mr. Foulke was willing the words "she receiving no part of the purchase money" shall be stricken out, and he moved the reference of the bill to a special committee of one with instructions to amend.

The motion was agreed to upon a division—affirmative 27, negative not counted.

The Lieutenant Governor appointed Mr. Foulke said committee.

Subsequently Mr. Foulke returned the bill amended as ordered.

The report was agreed in.

The bill failed for want of a constitutional majority—yeas 22; nays 19.

RELOCATION OF COUNTY SEATS.

Mr. Schloess's bill [S. 205] for the relocation of county seats was read the third time, and passed by yeas 32, nays 5.

Mr. WEIR: I think this bill ought to pass. It requires a petition of 40 per cent. and 70 per cent. to favor the change.

RECORDING MORTGAGES.

Mr. Hilliges, from the special committee thereon, returned his bill [S. 170] with amendment as instructed, requiring the recording within ten days—the time for chattel mortgages. I fear this bill would lead to more frauds than we now have; yet the principle looks to me not far from wrong.

On motion by Mr. Weir the bill was read the third time, and passed by yeas 36, nays 3.

PREVIER LEGISLATIVE REPORTS.

The bill [S. 336] to pay for Brevier Legislative Reports, heretofore authorized, ordered, accepted and bound by the State, was read the third time.

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, March 18, 1885.

KNIGHTSTOWN ASYLUM.

Mr. TONER moved that the Knightstown Institute bill [H. R. 527] be made a special order for 10 o'clock this day.

Mr. ADAMS made an ineffectual motion—yeas 31; nays 63—that this motion lie on the table.

Mr. ADAMS, explaining his vote, said: I am in favor of tabling this motion because we can reach this bill as soon, or sooner, without it. I understand the gentleman from Tippecanoe (Mr. Smith) will bring up the bill on the call of his county, which is now at hand.

The SPEAKER: The gentleman has named the call of his county.

Mr. McCLELLAND: My county is the first to be called this morning, and, unopposed, I had selected the bill. So I vote to table the motion.

The vote was then announced as above. So the motion was rejected.

The motion to make a special order for 10:30 o'clock was agreed to by yeas 88, nays 0.

Mr. BEST, when his name was called said: Two years ago I had the pleasure of voting against this motion; but they have the right, and also in voting against taking the government of the institution from the hands of the Governor. I have all along kept my faith regarding this regular order, but for some reason—public concern or private twisting of conscience—members here have decided to take the matter up now. I want to cast every second from that institution at once, so I vote "aye."

ADJOURNMENT SINE DIE.

Mr. PENDLETON offered a resolution that the House adjourn on the 28th.

On motion of Mr. BROOKS, the motion was laid on the table.

Mr. DITTMORE offered a resolution that the House adjourn sine die on Thursday, the 26th.

Mr. SEARS made an ineffectual motion—yeas 40; nays 45—to lay the motion on the table.

Mr. KELLISON, explaining his vote, said: As this motion implies that the House will remain in session after its legitimate business is done, and as I do not believe the House would continue after the business is done, I vote "no."

Mr. LOYD: This special session was called to transact the necessary business, and I do not believe that it will remain longer than to do that, so I vote "aye."

Mr. MAUK: This House, I believe, will adjourn when the necessary business is done. The motion is made only to put us on the record and I vote "no" anyhow.

Mr. PASSAGE: Inasmuch as I believe that this House should work diligently until necessary business is done, I vote "aye."

Mr. RIVIER: Believing that this House will adjourn as soon as its necessary business is done, I vote "aye."

Mr. SMITH, of Tippecanoe: This session was called by the Governor to pass the Appropriation bill, the State House bill, and necessary legislative business. The Knightsbridge matter was not mentioned in the proclamation. The Senate has passed a resolution to adjourn on the 25th, and now this resolution proposes the 26th. That means that we are to sit in a hall, but we will "no."

The vote was then announced as above. So the motion was rejected.

THE KNIGHTSTOWN ASYLUM.

Mr. SAYRE moved that the bill [H. R. 527] relative to the Knightstown Benevolent Institution, which was made a special order for this hour, be read, under a suspension of the rules, a second time by title, considered en masse, and reported by sections, and put upon its passage.

The motion was rejected by yeas 65, nays 23, two thirds failing to vote affirmatively.

Mr. DEEM, explaining his vote, said that he was opposed to the measure, as he had an amendment to offer, and the motion would shut off any amendment.

Mr. McMULLEN moved to amend so that two of the Trustees be honorably discharged Union soldiers.

Mr. SMITH, of Tippecanoe, moved to amend the amendment that all the parties be honorably discharged soldiers.

Mr. BOYD moved a substitute for both amendments that all be honorably discharged soldiers.

Mr. KELLISON: I am opposed to the substitute only for this reason—that I would like one of the Trustees to be a woman.

Mr. LOYD: As author of the bill, I am in favor of the Trustees being honorably discharged soldiers, for the reason that they are not asking this for the reason that the institution is supported by men of all parties, and for decency's and humanity's sake I think one of the Trustees should be a woman.

Mr. SMITH, of Warlick: For the reason that the soldiers are not demanding it, and for the further reason that I have confidence in the Governor of this State, I vote "no."

Mr. STALEY: For the sole reason that I think a woman should be selected as one of the Trustees, I vote "aye."

The vote was then announced as above. So the amendment that the Trustees be soldiers was agreed to.

AFTERNOON SESSION.

Mr. STALEY offered an amendment to the bill that one of the Trustees be a woman.

The Speaker ruled it out of order, in view of the amendment just adopted by the House that all the Trustees shall be honorably discharged soldiers.

Mr. ADAMS moved to amend that the 84

perintendent be an honorably discharged soldier.

Mr. KELLISON moved to amend the amendment that the Superintendent be a woman and the widow of an honorably discharged soldier.

Mr. LOYD: I hope the amendment to the amendment will not prevail. A live business man should be Superintendent there.

On motion by Mr. WYNN the amendment to the amendment was laid on the table by yeas 63, nays 22.

On motion by Mr. LOYD the amendment that the Superintendent be an honorably discharged soldier was also laid on the table by yeas 45, nays 38.

Mr. ROBINSON moved to amend so that no two Trustees can be of the same political party.

Mr. DITTMORE made an ineffectual motion—yeas 42; nays 43—that the amendment be laid on the table.

Mr. GOODING, explaining his vote, said he was opposed to dictating to the Governor; but if it were found necessary to divide, he was in favor of the Greenbackers (represented by Mr. Robinson) rather than Republicans.

He voted "no."

Mr. PATTEN moved that the bill and pending amendments be recommitted to select committee of three to be appointed by the Speaker, with instructions to report it back to the House at 2 o'clock to-morrow, and that it be made a special order for that hour.

Mr. KELLISON: I hope the motion will not prevail. All the defect cited by the gentleman can be overcome by amending the title.

Mr. SAYRE: This outrage has gone far enough. It is time now to take up the bill and pass it. The regular order of business is suspended for that purpose. Let the matter now go through. To-morrow afternoon some of the Democrats may move to further commit. No further delay should be tolerated. When it became known that a Republican would call up this bill the Democrats rush in, propose to take up the bill and then postpone it.

Mr. LOYD: I can not see how this bill can be helped by postponing. As an humble Representative of this Assembly I profess to represent the Democracy. The Republican members are on record as opposing bringing up this bill, having voted against it during the regular session, claiming a contract for a regular order. What has come over them now that they propose to break the alleged contract? Some action should now be taken. I am not a stickler for this bill because I am its author. Some prefer the Senate bill. Let it pass—anything to wipe out the disgrace.

Mr. SMITH, of Tippecanoe: The gentleman who has just spoken, at the time said that he regarded the Senate bill an insult to the committee which had investigated the Knightstown trouble. All the records made here will amount to nothing—nothing more than to encumber the journal. I am opposed to recommitting the bill.

Mr. GORDON: I oppose recommitting the bill. The only objection to it is the title, and we can correct it by simply substituting the title of the Senate bill. One hour and all trouble can be corrected.

On motion of Mr. GORDON the motion to recommit was laid on the table.

The amendment that no two of the same political party be selected Trustees was agreed to.

On motion by Mr. BARNEY the salaries of the Trustees were fixed at \$400 instead of \$500 per year.

On motion by Mr. DEEM the bill was further amended so that the salary of the Trustees shall cover all traveling expenses, and that no further money be allowed them.

On motion by Mr. GORDON the title was amended to conform with the bill as amended.

Mr. GORDON moved that the bill be considered en masse.

Mr. ADAMS moved to amend that the bill be ordered engrossed, and he made a special order for to-morrow morning at 9 o'clock.

The motion as amended was agreed to.

STATE BOILER INSPECTOR.

Mr. FRENCH's bill [H. R. 426] providing for the appointment of a Boiler Inspector was read the third time.

Mr. FRENCH: The bill proposes to create an office which is needed for safety. It provides no salary, but fees.

Mr. STALEY: It is evident that this office will be a bonanza—too great in fees.

The SPEAKER: And the worst of it is the Constitution prohibits any member of the Assembly from holding the office. [Laughter.]

Mr. REEVES moved that the bill be re-committed, with instructions to cut down the fees proposed.

Pending which the House adjourned.

Pumpkin Pie.—A teaspoonful of stewed pumpkin, two eggs, milk enough for two pies; put in ginger, spice, nutmeg and sugar to suit the taste.

Caution.

If you ask your druggist for Pond's Extract and he tries to impose upon you by offering "something the same as Pond's Extract," do not believe him. There is nothing the same as Pond's Extract. It can not be imitated, and any article offered as such are only worthless counterfeits. Put no faith in any druggist trying to so deceive you. It is sold only in our own bottles, inclosed in buff wrappers with the words "Pond's Extract" blown in the glass, and is never sold in bulk.

OLDEN TIMES.

The formula by which Mishler's Herb Bitters is compounded is over two hundred years old, and of German origin.

The entire range of proprietary medicines cannot produce a preparation that enjoys so high a reputation in the community where it is made as

MISHLER'S HERB BITTERS.

It is the best remedy for Kidney and Liver Complaints, Dyspepsia, Cramp in the Stomach, Indigestion, Malaria, Rheumatic Complaints, etc. As a Blood Purifier, it has no equal. It tones the system, strengthening, invigorating and giving new life.

The late Judge Hayes, of Lancaster Co., Pa., an eminent and honored citizen, once wrote: "Mishler's Herb Bitters is very widely known, and has acquired a great reputation for medicinal and curative properties. I have used myself and in my family several bottles, and I am satisfied that the reputation is not unwarranted."

MISHLER'S HERB BITTERS CO., 525 Commerce St., Philadelphia.

Farker's Pleasant Worm Syrup Never Fails